

Application Serial No. 09/817,567
Attorney Docket No. 060879-0006
(formerly 11299-006-999)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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In re Application of:
SMART et al.

MAY - 3 2004

Serial No.: 09/817,567

Group Art Unit: 3716

Filed: March 26, 2001

Examiner: Daniel J. Davis

For: SILICON MICROLANCET DEVICE
AND METHOD OF CONSTRUCTION

Attorney Docket No 060879-0006
(11299-006-999)

OFFICIAL**AMENDMENT**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is a response to the Office Action mailed December 1, 2003.

Petition for Extension of Time under 37CFR 1.136. It is respectfully requested that the time for response to the Office Action dated December 1, 2003 be extended for a period of two (2) months from March 1, 2004 to and including May 3, 2004, (March 1, 2004, being a Saturday). The fee for this extension is estimated to be \$210.00 (small entity). This is to authorize the payment from Morgan, Lewis & Bockius LLP's Deposit Account No. 50-0310 of this fee and any fee that might be incurred for any future extension of time required for this application. A copy of this page is enclosed.

Amendments to the Specification begin on page 2 of this Amendment.

Amendments to the Claims are reflected in the listing of claims which begins on page 4 of this Amendment.

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thickness of at least about 50 micrometers is retained at the penetration point in order to maintain probe strength. Nor do Pisano et al's processes permit the thickness of the base and the thickness and shape of the penetration portion to be independently chosen in order to provide a thick base for ease of handling and a thinned penetration portion with smooth continuous profile to increase strength while minimizing tissue damage. Applicant's microlancet is therefore not anticipated by Pisano et al.

Specifically, claim 24 is believed patentable over Pisano et al. in specifying a penetration portion that extends laterally from the base of the silicon substrate and terminates in a sharp point with a continuous cutting profile. Dependent claims 25-27 and 31-34 are believed patentable for the same reason claim 24 is patentable.

Independent claim 36 is believed patentable for the same reasons claim 24 is patentable and for the additional reason that it specifies that the penetration portion tapers from the base portion toward the point. Dependent claims 37, 42 and 43 are believed patentable for the same reason claim 36 is patentable.

Independent claim 38 is believe patentable because it specifies that the penetration portion has a smooth continuous profile. Dependent claims 39-41 are believed patentable for the same reason claim 38 is patentable.

In view of the foregoing, applicants believe that all of the claims are now in condition for allowance and respectfully request the Examiner to pass the subject application to issue. If for any reason the Examiner believes any of the claims are not in condition for allowance, he is encouraged to phone the undersigned at (650) 849-7777 so that any remaining issues may be resolved.

Aside for the fees for Petition to Extend Time, no additional fee is believed due for filing this response. However, if a fee is due, please charge such fee to Morgan, Lewis & Bockius LLP's Deposit Account No. 50-0310.

Date: May 3, 2004

Respectfully submitted,

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